

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA  
No. 1:23-CV-878**

DEMOCRACY NORTH CAROLINA; *et al.*,

Plaintiffs,

vs.

ALAN HIRSCH, in his official capacity as  
CHAIR OF THE STATE BOARD OF  
ELECTIONS, *et al.*,

Defendants.

**MEMORANDUM IN SUPPORT  
OF MOTION TO DISMISS  
PLAINTIFFS' COMPLAINT**

NOW COME Philip E. Berger in his official capacity as President *Pro Tempore* of the North Carolina Senate, and Timothy K. Moore in his official capacity as Speaker of the North Carolina House of Representatives, and respectfully move to dismiss Plaintiffs' Complaint in its entirety under Fed. R. Civ. P. 12(b)(1) because Plaintiffs lack Article III and prudential standing, or alternatively, dismissed for failure to state a claim upon which relief may be granted under Fed. R. Civ. P. 12(b)(6) because Plaintiffs fail to show a violation of procedural due process, fail to show an unconstitutional burden on the right to vote, and fail to show a violation of the Twenty-Sixth Amendment. The Motion to Dismiss should be granted for all the reasons stated in the Memorandum in Support of the Motion to Dismiss being filed contemporaneously with this Motion.

Respectfully, submitted this the 15th day of December 2023.

**NELSON MULLINS RILEY &  
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/s/ Phillip J. Strach

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*Counsel for Legislative Defendants*

**CERTIFICATE OF SERVICE**

I, Phillip J. Strach, hereby certify that I have this day electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will provide electronic notification to counsel of record.

This the 15th day of December, 2023.

**NELSON MULLINS RILEY &  
SCARBOROUGH LLP**

/s/ Phillip J. Strach

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